

**NOTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
September 25, 2012 @ 7:00PM**

1. CALL TO ORDER:

Mayor Hocker called the meeting to order at 7:00PM with the Pledge of Allegiance.

2. ATTENDANCE:

Mayor Hocker, Deputy Mayor Subity, Council Members Gordon, Kent, and Bennett. Town Manager Debbie Botchie, and Town Clerk Donna Schwartz.

3. NEW BUSINESS:

None

4. OLD BUSINESS:

A. Discuss proposal by Mr. Rich Bloch of Dickens Parlour Theatre.

Synopsis: Mr. Bloch met with the Town Council at the regular meeting on September 11th to discuss Council's possible approval for him to prepare food at the Dickens Parlour and serve to only patrons attending the theatre. Currently this use is not permitted under the Town's C1 regulations.

Mayor Hocker read the synopsis and noted the Workshop packet contained letters, sketches and photos from Mr. Bloch.

Council Member Kent, looking at the pictures Mr. Bloch presented Council, asked about the need for an enclosure round the grill. Mr. Bloch stated he was told by the woman from the State Health Department he did not need an enclosure just a roof over the grill. Mr. Kent asked how far the availability of hot and cold water was to the location of the grill. Mr. Bloch pointed out a wall in the picture about 10-12 feet away from the grill where the water facilities are located. Council Mr. Kent also asked how he planned to handle the storage of the food to be cooked. Mr. Bloch responded there is a kitchen near the block wall and he has two freezers in a shed. Mr. Kent stated he was concerned whether the storage of food would be adequate. Mr. Bloch said his menu would include beef, ribs, and chicken. He also stated the health department makes frequent inspections. Mr. Kent questioned the use of laminate over top of plywood, which he believed to be against fire code. Mr. Bloch replied it was the usual kitchen surface. Council Member Kent said he saw nothing in the meeting packet from the State Fire Marshal's office regarding the grill. Mr. Bloch replied he had received an email from Tom Haslem and would be happy to forward the email to Council; however the comment of not needing a fire inspection was on the telephone and on the condition no walls were erected around the grill.

Mayor Hocker asked Mr. Bloch how he planned to maintain a certain temperature at all times after cooking and during serving. Mr. Bloch replied they would take

menu requests when they made show reservations then he would cook the food to order. He said he is only serving one group at a time so he has no need of food storage when it is prepared on the spot. Mr. Bloch also said they do not do food preparation, they simply spoon-out coleslaw and pickles, which is kept in the fridge, onto a plate.

Council Member Kent asked if he had notified the residential area behind the theater about his plans to cook on the grill. Mr. Bloch responded he had not had any contact with the neighbors; however, if Council deemed necessary he would.

Council Member Subity asked if he would be preparing anything besides meat. Mr. Bloch stated currently the dinner comes from Bethany Blues and he does nothing more than spoon coleslaw he purchases from Cisco.

Mayor Hocker asked what measures are in place to prevent cross-contamination. Mr. Bloch said he expects to follow all health regulations.

Council Member Gordon stated it scares him to death to not have the grill enclosed from animals and the elements. He said he would like to know more from the State Health Department and the Fire Marshal. Mr. Gordon also expressed some concern over protection of the freezers from dust and leaves. He asked Mr. Bloch which was his core business, theater or a restaurant?

Mr. Bloch replied "a theater." He explained his theater is different from other community theaters because you do not sit down and eat and have the show in front of you. He said he doesn't understand the prohibition on two primary uses. There is the live theater performance and they sell merchandise after the show (tricks, cards, etc.) His theater has only 59 seats and he has been looking for other ways to keep the doors open. Mr. Bloch said he serves alcohol, but he is not a bar; he sells food but he is not a restaurant. As a performer he prefers people not be eating while the show is going on.

Council Member Subity stated he will assume all these matters will be taken care, his bigger concern is about changing the definition of a community theater for long term use, he does not want a temporary solution and asked Mr. Bloch where he saw his business in two years. Mr. Bloch responded by saying he doesn't see any more changes after this, except perhaps a gift shop.

Council Member Bennett stated she saw three areas of concern: health regulations, fire regulations and the C-1 zoning district which does not allow two uses per property. She also said she was concerned with the impact to the residents and neighbors of the theater. Mr. Bloch said the theater is a live performing theater and a banquet facility. He noted he thinks this has become a bigger issue than he first thought. He wants to be 100% in compliance with every regulation, and asked that the application not be turned down. The theater is the primary use, he also said he must maintain a 60/40 percentage in order to maintain his alcohol license therefore he must serve food.

Ms. Botchie, Town Manager, explained the matter was not a simple one, language has to be written for the code, changing the zoning code can be complicated they must be careful not to set precedence.

Council Member Kent stated he doesn't see a document which describes what he wants. Mayor Hocker said the Council is pro-business and if something has a positive impact on the Town they will write code.

In summary, Council Member Bennett said she wanted some legal clarification; the matter intensifies the aspect of use. Council Member Subity thought the matter was worth continuing to review. Council Member Kent also stated he wanted clarification from the two major departments if the grill is even legal. Council Member Gordon said he agrees with Mr. Kent, and he is not for changing the code. Mayor Hocker summed up the conversation saying this request doesn't fit town criteria and the Council will seek legal advice.

5. PROPERTY OWNERS/AUDIENCE COMMENTS:

None

6. ADJOURNMENT:

The next meeting of the Council will be October 9, 2012 at 7:00pm. Council Member asked for some old business to be put on the agenda regarding the sign code, she would like the status on implementation of the newly adopted code.

Council Member Kent motioned for adjournment at 8:14pm. Council Member Gordon seconded his motion. All present voted in favor.

Motion carried unanimously 5 - 0.

Respectfully submitted,
Donna M. Schwartz, Town Clerk